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110TH CONGRESS  
1ST SESSION

# H. R. 3942

To amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits under the Medicare Program.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2007

Mr. FRANK of Massachusetts introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits under the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1   **SECTION 1. ELECTION OF PRIVATE HEALTH INSURANCE AS**  
2                   **PRIMARY PAYOR UNDER THE MEDICARE**  
3                   **PROGRAM FOR DISABLED SURVIVING**  
4                   **SPOUSES.**

5           (a) IN GENERAL.—Section 1862(b)(1)(E) of the So-  
6   cial Security Act (42 U.S.C. 1395y(b)(1)(E)) is amended  
7   by adding at the end the following new clause:

8                   “(iv) ELECTION OF DISABLED SUR-  
9                   VIVING SPOUSES TO RETAIN GROUP  
10                  HEALTH PLAN AS PRIMARY PAYOR.—In the  
11                  case of a surviving spouse who is a dis-  
12                  abled person and who, on the date that  
13                  preceded the death of the deceased spouse,  
14                  was covered under a group health plan by  
15                  virtue of the deceased spouse, the surviving  
16                  spouse may elect, in a form and manner  
17                  specified by the Secretary, to retain the  
18                  group health plan as primary payor under  
19                  this title. Unless otherwise provided, such  
20                  an election shall take effect immediately  
21                  upon its execution. Such an election, once  
22                  made, may not be revoked.”.

23           (b) EFFECTIVE DATE.—(1) Subject to paragraph  
24   (2), the amendment made by subsection (a) shall take ef-  
25   fect on the date of the enactment of this Act, and shall  
26   apply with respect to elections made on or after such date.

(2) In the case of an election under paragraph (1) by the disabled surviving spouse of an individual who died before the date of the enactment of this Act, the disabled surviving spouse may only make an election during the 6-month period that begins on such date.

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